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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10559970	9/14/06	PESCHER ET AL.	1022702-000298

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EXAMINER

/Peter A.. Hruskoci/

ART UNIT	PAPER
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1797

20090202

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 12/3/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): It is submitted that applicants have not fully responded to the provisional double patenting rejection as stated in the prior Office action. It is noted that the since the inventive entities of the applications used in the provisional double patenting rejection are different but do include common inventors, applicants should provide a statement that the inventions were commonly owned at the time the instant invention was made to avoid rejections under 35 USC 102 (f), (g), and/or (e) / 103(a) in accordance with MPEP 706.02(I)(2) and 804. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2/2/09

/Peter A. Hruskoci/
Primary Examiner
Art Unit: 1797